REMARKS/ARGUMENTS

Claims 39-47, 49-52 and 55-58 are pending in this application. Claims 39-43 have been amended by deleting the functional limitation. Although the present amendment is submitted after a Notice of Appeal. The present amendment will put the current claims in a better form for appeal. Applicants respectfully request that the amendment be considered by the Examiner.

In conclusion, the present application is believed to be in *prima facie* condition for allowance, and an early action to that effect is respectfully solicited. Should there be any further issues outstanding, the Examiner is invited to contact the undersigned agent at the telephone number shown below.

Although no fees are due, the Commissioner is hereby authorized to charge any fees, including any fees for extension of time, or credit overpayment to Deposit Account No. <u>50-4634</u>, referencing Attorney's Docket No. (<u>123851-181890 (GNE-1618 P2C79)</u>).

Please direct any calls in connection with this application to the undersigned at the number provided below.

Respectfully submitted,

Date: January 8, 2009

Christopher De Vry, Ph.D. (Reg. No. 61,425

GOODWIN PROCTER LLP

135 Commonwealth Drive Menlo Park, California 94025 Telephone: (650) 752-3100 Facsimile: (650) 853-1038

LIBC/3489233.1